

SECOND EDITION.

TO THE SENATORS

OF THE

Senate of the State of New York:

BEING AN

EXAMINATION AND EXPOSURE

OF THE

REPORT OF THE SELECT COMMITTEE TO WHOM WAS  
REFERRED THE REPORT OF TRINITY  
CHURCH, MADE IN 1855,

MADE

IN SENATE, JANUARY 29<sup>TH</sup>, 1857,

AND

Re-committed for Further Inquiry.

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BY A MEMBER OF THE PROTESTANT EPISCOPAL CHURCH.

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An *Examination* and *Exposure* of the "Report of the Select Committee to whom was referred the Report of Trinity Church made in 1855," made "in Senate, January 29th, 1857," and re-committed for further inquiry.

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MEMBER OF THE PROTESTANT EPISCOPAL CHURCH.

February 12, 1857.

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THE SELECT COMMITTEE OF THE SENATE OF NEW YORK, to whom was referred *the Report of the Vestry of Trinity Church, in reply to the Resolutions of the Senate, passed April 13th, 1855*, have, through their Chairman, Hon. Mark Spencer, President *pro tem.* of the Senate, presented their Report, with voluminous *ex parte* testimony. That Report, with the testimony, is just published in the Senate Document No. 46, dated Jan. 29th, 1857.

The evident injustice evinced by the fact, that the testimony was partial and consequently unfair, both to Trinity Church and to the Commonwealth, prompted the Honorable Members of the Senate of New York to *recommit* the Report of the Select Committee by a decisive vote, implying, if not censure, disapprobation.

\* The writer has had no opportunity for revising the proof of the First Edition.

No cause that is good needs the crutches of *ex parte* statement and false premises for its support. And the recoil produced by the explosion of the offended sense of decency and honor prevailing in the minds of Senators, must serve to counteract and subdue the prejudice which such unfairness is designed to inject into the public opinion.

Notwithstanding the unfinished condition of the question, and before the "testimony" was printed, editors of the Church and Secular newspapers have thought proper to endorse the statements, arguments and conclusions of the Report of the Select Committee, publishing through their columns, in editorials of less or greater length, animadversions the most severe against the Corporation of Trinity Church. And they threaten to manufacture adverse popular sentiment under color of comment on "the *latter portion of the Report* of the Senate Committee," "which," they say, "is much the more important," because "it touches not only Trinity Corporation, but the rights of all the Churchmen in the City, and the interests of the Church throughout the whole State." \*

It might be good policy in Trinity Church to wait quietly until all has been said that can be said, before she shall attempt to reply. This policy would be merely the prudence of the farmer who "hesitated to clear the paths about the house until it had stopped snowing."

Nevertheless, since the "latter portion of the Report of the Senate Committee" is confessedly of interest to "all the Churchmen in the City," it is a sufficient apology for one of them to claim a hearing from Honorable Senators and the Public and the Church, while he too examines "the latter portion of the Report of the Senate's Committee," together with some of the "testimony" published in Senate Document No. 46, now lying before him.

The foremost point is to examine the *historical* statements and quotations from the Royal Charter and the Acts of the Legislature, which the Select Committee report as being derived and "condensed from information embodied in the evidence."

\* *Church Journal*, Feb. 4, 1857. See *ib.* Feb. 11, 1857.



I. The Committee begin by stating that

"In 1697 *the site* of the Parish Church at the head of Wall-street was given by the English Crown for "the use and behalf of the inhabitants from time to time inhabiting, and to inhabit, within our said City of New York, in communion of our said Protestant Church of England, as now established by our laws." \*

But it is noticeable that the Committee do *not* state (what appears in the "evidence" before them) that "*the land which forms the present Churchyard or Burying Ground* of the Church,"† formerly known as a part of "the Queen's garden,"‡ was also given in the Charter from the English Crown "for a Cemetery or Churchyard of the Parish of Trinity Church," "to be for ever separated and dedicated to the service of God, and to be applied therein to the use and behalf of the inhabitants from time to time inhabiting and to inhabit within our said City of New York, in communion of our said Protestant Church of England, as now established by our laws, and *to no other use or purpose whatsoever*, any statute law, custom or usage to the contrary notwithstanding."§

This "condensing" of the "evidence" is quite significant when it is borne in mind that a portion of this very Graveyard (now filled with the dust of "the inhabitants of the city of New York") is coveted and contended for by certain persons, whom Trinity Church, under a sense of her pious duty as custodian of the ashes of the dead, has resisted, with cost of money and against offers of money. The controversy concerning the Graveyard is not yet settled and is now pending. It is even *notorious*, through current newspaper publications. The Select Committee could not be ignorant of the efforts to profane the "dedicated" ground, nor of the fidelity of Trinity Church in fulfilling her chartered obligations to maintain the sacredness of the Graveyard. And yet, notwithstanding the Charter recites that "the Parish Church and *Churchyard* of the Parish of Trinity Church is declared to be for ever separated and dedicated to the ser-

\* Senate Document No. 46, page 14.

† L. Bradish's Testimony, Ans. 1st, page 91. ‡ Sen. Doc. No. 46.

§ Charter, 1697, page 7.

vice of God, and to be applied thereunto to the use and behalf of the inhabitants, &c., and to *no other use* ; the Select Committee think proper to “condense” the testimony to that degree which allows them only to state that “*the Site of the Parish Church*” at the head of Wall-street was so given, separated and dedicated to a sacred use for ever.

And it is worthy of notice that the Select Committee’s “Report” has been separately published in advance of the “evidence,” so as to prejudice public opinion by dogmatic statement, without the accompaniment of the documents by which their Report might be verified.

II. The second paragraph of the Report of the Select Committee professes to recite the history of the *Incorporation of Trinity Church*, in the following words and with the following punctuation :\*

“The act of incorporation in the same year made the corporation to consist of the rector, ‘together with all the inhabitants from time to time inhabiting and to inhabit our said city of New York, and in communion of our aforesaid Protestant Church of England, as now established by our laws ;’ and the legal title of the corporation was therefore declared to be : ‘The rector and inhabitants of our said city of New York in communion of our Protestant Church of England, as now established by our laws.’ ”

Such is the entire and exact Report of the Select Committee, purporting to be condensed from “information embodied in the evidence,” and professing to set forth a verbal quotation from the Charter of 1697. It professes, likewise, by implication, to publish *all that the said Charter contains* essential to the question of the “Incorporation.”

That Charter of Trinity Church is not published in the Report and accompanying documents of the Select Committee.

And it grieves the writer to denounce the Committee’s Report : 1st, For *omitting essential provisions of the Charter* : 2d, For *reasoning from fragmentary quotations from the Charter* : 3d, For *suppressing a word in that clause of the Charter which the Committee professes to quote verbally*.

\* Senate Document No. 46, page 14.

*Why* that word was suppressed, and *why* the maimed clause purporting to be the "Act of Incorporation," which particularly describes the Corporators of Trinity Church, was thus deliberately published in its garbled condition by the high authority of the Select Committee of the Senate of New York, shall be exposed before this examination shall be closed.

The reader will see, by simple inspection of the paragraph now under review, that the idea sought to be conveyed in that Report, is this : that "*all the inhabitants, from time to time inhabiting and to inhabit the City of New York, and in communion with the Protestant Church of England,*" were invested, by the Charter of King William III. in 1697, with indefeasible and with equal rights, as Corporators of Trinity Church. By virtue, simply, of being inhabitants of the City of New York and of being in communion with the Protestant Church of England (or, as now in communion with the Protestant Episcopal Church in New York), any person, thus qualified, may, under *the said Charter*, claim a *right* to vote and to be voted for, in all Corporation elections. This is the very *point* and *pivot* of the controversy with Trinity Church.

The Select Committee affirm that "the Charter of 1697" secures the *rights* of a Corporator of Trinity Church to *every inhabitant of the City of New York* for all time to come, who is also *in communion with the Church of England* (or the Protestant Episcopal Church in New York) ; whether such person be or be not a member of the *parish* of Trinity Church ; whether or not he be ecclesiastically subject to the *Rector* of Trinity Church ; whether or not he belong to some other parish in the City of New York, and have no parochial relationship to either the Rector of Trinity Church or the Rector of any other Church. The qualifications of being "*an inhabitant of the City of New York, and in communion with the Church aforesaid,*" constitute the *only* qualifications, under the *Charter* of 1697, to make a man a Corporator of Trinity Church.

This is the *assertion* of the Select Committee : this is the "evidence" of many of those whom the Committee summoned to testify ; this is the *claim* argued for, in the Report ; this is the *right* which (the Committee say) the Charter of



1697 confers ; and which *right* the act of the Legislature of New York, passed 25 of January, 1814, takes away from communicants of the Protestant Episcopal Church, residing in the City of New York. The very plea for revoking the Act of 1814 is grounded on the notion that the said Act “excludes”\* from the Corporation of Trinity Church “the great body of Episcopalians of the City of New York,” “deprives”† them “of important franchises” ; “divests‡ them of their rights in valuable estates granted and confirmed to them by legal and valid acts,” and *therefore* § that the said of Act of 1814 is unconstitutional, unequal and unjust.

Surely, then, every *honest* mind must expect that the Select Committee of the Senate would quote, *correctly*, that clause of the Charter of 1697, which, it is claimed, confers those “rights” and “franchises,” from the use and enjoyment of which the great body of Episcopalians in the City of New York are said to be “excluded,” and of which they are “deprived” and “divested !” And moreover, every *candid* mind must demand that the Select Committee fairly and truly, should recite any other clause or clauses in the Charter of 1697, which *expressly limit* the general and comprehensive franchise of “all the inhabitants of the City of New York” (if such clause or clauses there be). And the *ingenuous* citizen would, furthermore, require of his representatives in the Honorable Senate of the State, to recite any provisions in the Charter of 1697, which, by just *inference*, would limit, or in any way define and interpret the questionable claim to the estates of Trinity Church, so long administered by that Corporation under the sanction of the charter of the crown of England, confirmed to that Corporation by Acts of the Colonial Legislature, enforced by the laws of the State and settled by the decisions of Courts of Judicature. All this, one might anticipate, in view of the immense evil which a disturbance of a Christian and eleemosynary Foundation will cause to the peace of the community and the harmony of the Church.

But the Select Committee content themselves with a

\* L. Bradish's Evidence. See Doc. No. 46, p. 95.

† Ib. p. 96.

‡ Ib. p. 96.

§ Ib. p. 90.



recital of a *fragment of only one clause in the Charter of 1697, that recital being inaccurate, through the suppression of a word, more or less important to the controversy.* The writer, therefore, proceeds to supply what is wanting, by quoting, in the first place, the clauses of the Charter, *omitted* in the Report of the Select Committee, which clauses bear upon the questions, "Who are the Corporators of Trinity Church?" and "How are Corporators of Trinity Church constituted?" under the Charter of 1697.

(1.) The Rector is the foremost and first named Corporator, under the Charter. "There shall be a Rector to have care of the souls of the inhabitants of said parish, and a perpetual succession of Rectors there."

"And we further declare that the said Rector of the parish of Trinity Church in communion of our Protestant Church of England within our City of New York, shall and may for ever hereafter have a common seal."

"And we are graciously pleased to constitute the Lord Bishop of London the first Rector of said parish. And our Royal will and pleasure is that he, the said Lord Bishop of London and his successors, and all such of our loving subjects as now are or hereafter shall be admitted into the communion of the aforesaid Protestant Church of England as now established by our laws, shall be from time to time and for ever hereafter a body corporate and politique, in fact and name, by the name of the Rector and inhabitants of our said City of New York in communion of our Protestant Church of England as now established by our laws. And that by the same name, they and their successors shall and may have perpetual succession, &c."

"And that the said Rector shall have the care of the souls of the inhabitants within the said parish and in the communion of the said Protestant Church of England."

"And our Royal will and pleasure is, further, that the patronage, advowson, donation, or presentation of and to the said Rector and parish, after the decease of the said first Rector, or the next avoidance thereof, shall appertain and belong to and be hereby vested in the Church Wardens and Vestrymen."

“And that all the succeeding Rectors of said Parish and Parish Church (except the first Rector thereof hereby constituted) shall be presented, collated, instituted and inducted as other Rectors, Persons and Vicars, respectively, are accustomed to be.”

“And we do give, grant, ratify and confirm unto the said Rector and inhabitants of our said City of New York, in communion of our Protestant Church of England as now established by our laws, that the said Church and Cemetery or Churchyard, situate, lying and being within our said City of New York as aforesaid, shall be the sole and only Parish Church and Churchyard of our said City of New York.”

From these various citations from the Charter of 1697, it is plain that the RECTOR is the *Chief Corporator*, and so important to the integrity of the Corporation that the Lord Bishop of London was constituted Rector of Trinity Church by the Charter, before any other persons and as the head of the Parish, without whom there could be no “Parish.”

And yet the reader will notice in the paragraph of the Select Committee's Report that the words, “the Rector,” are printed in small type, without any marks of quotation, as if he were not an essential officer of the Corporation, but *only an appendage*, annexed to “all the inhabitants from time to time inhabiting and to inhabit our said City of New York.”

And the inference which the Select Committee would have the reader to draw from their singular mode of stating and of *printing* the question, is, that “the legal title of the Corporation was *therefore* declared to be : “The Rector and inhabitants of our said city of New York, in communion of our aforesaid Protestant Church of England,” conveying thereby the idea that the PARISH of Trinity Church was to be defined, as *coextensive with* “the inhabitants of New York and in communion of the Protestant Church of England ;” without any necessary parochial connection with and acknowledgment of the Rector of Trinity Church. But the reverse of the Committee's construction appears in the Charter. For, in the Charter, the Rector is constituted *first* and *foremost*, and the other Corporators are described as “inhabitants of the *Parish* ;” or as *those inhabitants* of the City of New York in

communion with the Protestant Church of England *who were under the parochial jurisdiction of the Rector of Trinity Church.*"

By making the Parish of Trinity Church the sole and only Parish of the City of New York, the Charter of 1697 constitutes the Rector of Trinity Church the sole and only Rector of New York. And in such case, agreeably to the laws and usages in Great Britain (except in special cases, made and provided for especially), the geographical limits of the Parish of Trinity Church would embrace the geographical limits of the city and be coincident with them.

But it is highly important to observe that the citizens of New York did not, by the Charter of 1697, derive their interest in the Corporation of Trinity Church by virtue of their "being inhabitants of the city and in communion with the Church of England," *but by virtue of their being under the jurisdiction ecclesiastical of the Rector of Trinity Church, inhabitants of the Parish, and in communion with the Church of England.*

This essential relationship with the Rector was established by the Charter of 1697, even when the Parish and the City were coextensive, and while Trinity was the only Parish Church in New York. *Much more*, is this personal relationship with the *Rector*, the mark and sign of a Corporator, when the city of New York is composed of many Parishes. For, if the Rectors and members of other Parishes may interfere in the parochial concerns of Trinity Church, while the Rector and members of Trinity Church may *not* intrude likewise into the concerns of those other Parishes, there would be an inequality of prerogative injurious to the Rector and members of Trinity Church, while giving supremacy to the Rectors and members of all other Parishes ; enabling them by their greater numbers to override and rule the Corporation of Trinity Church. Or if, on the other hand, the Rectors and members of Parishes may, *mutually*, invade the Parishes to manage the affairs of one another, then all order will cease and confusion will abound ; while the distinction of separate Parishes would be at once ridiculous, then obliterated and brought to nought. Besides, the Act of the Legislature for "incor-



porating religious societies," which *confines electors to their several Parishes*, would thereby be evaded, frustrated, and made void.

Nor, in either hypothesis, would the evil stop here. But Trinity Church would not only be prevented from choosing her own candidates to be the managers of her estate, but she would be deprived of sending her deputies to the Convention of the Diocese, and thus be utterly silenced in the Councils of the Church, while other Parishes would possess the double vote of the Trinity deputation and their own besides.

In short, to deny to Trinity Church the separate and independent management of her Corporate concerns by admitting the community of new Corporations to a voice in her affairs, is simply to extinguish Trinity Parish, to blot out her existence by a matricide, as full of folly as of wickedness. The same rule, therefore, still holds true, now as formerly, that the inhabitants of New York, who, *by the Charter of 1697, are described as members of the Corporation, are those "inhabitants over whom the Rector of Trinity Church has the care of souls, who are Ecclesiastically under the parochial jurisdiction of the Rector of Trinity Church, and who are communicants "inhabiting the Parish" of Trinity Church.*

But this view of the relationship of the Corporators, inhabitants of the city of New York, with the Rector and Parish of Trinity Church, is studiously, and it may be said, artfully, concealed in the printed Report of the Select Committee.

(2.) The second point to be noticed is, the manner in which, and persons by whom, Church Wardens and Vestrymen of Trinity Church are to be chosen, according to the provisions of the Charter of 1697.

The Report of the Select Committee, as well as the "evidence" of some of the persons testifying before the Committee, would fain persuade the reader, that "all the inhabitants of the City of New York, in communion of the Church, may, as Corporators, vote for Church Wardens and Vestrymen of Trinity Church, and also, that such inhabitants are themselves eligible to be chosen as managers of the estate, and may serve, if chosen, in the Vestry of Trinity Church." And this result



is precisely what seems to be the object of the adversaries of Trinity Church to procure.

But the "CHARTER" declares and prescribes that "there shall be annually and once in every year for ever, on the Tuesday in Easter-week, two Church Wardens and twenty Vestrymen, duly elected by the majority of votes of the *inhabitants of the PARISH*, in communion as aforesaid."

And in case of a vacancy, the "CHARTER" requires that "the Vestry or any eleven or more of them, shall and may elect a fit person, *inhabitant* and householder in the *said Parish*, to supply the same."

And the better to understand the meaning of the word "Parish," as employed at the date of the Charter, and as still in use and signification in the Ecclesiastical polity in England and in this country, the authorities define a "*Parish*" to be "*the charge of a particular Rector or Priest.*" No Act of Parliament has ever defined the boundaries of Parishes, but they have "been established as the circumstances of times, places, or persons happened to make them greater or lesser."<sup>3</sup>

And so careful is the "CHARTER" to maintain the independence of "the Parish," that it furthermore ordains "that the Church Wardens, for the time being, shall not, at any time, dispose of any of the pews or places in pews in the said Trinity Church, to any person, not an *inhabitant of the said Parish.*"

The Charter is thus wisely solicitous to preserve the immunities of the Parish from outside intrusion, and to protect the parishioners against any invasion upon their exclusive rights as Corporators. And the Select Committee would have had no grounds for their preposterous assertions, if they had not omitted *whole clauses* touching the questions "who are the Corporators of Trinity Church?" and "how are Corporators constituted, under the Charter of 1697?" To this point—the *Succession of Corporators*—we now ask the reader's attention.

(3.) The Select Committee affirm—that the Charter of 1697 "made the Corporation to consist of the rector, together with all the inhabitants from time to time inhabiting, and to inhabit our said city of New York, and in communion of our aforesaid Protestant Church of England." The Committee have presented this clause of the Charter as *containing the whole answer* to the question of the *Successors*. They convey the idea to the reader, that the Charter is silent, except in this

\* Burns' Ec. Law, 133; Jacob's Law Dict., Title Parish; Hook's Church Dictionary; Stanton's do. Title Parish.

one clause, touching "who are the Corporators and how are they constituted." And the Committee's Report corresponds with the arguments, or (as they style them) "the evidence" of some of the persons testifying. Accordingly, they would have us believe that "all the inhabitants of the city of New York, in communion," &c., possess, under the Charter, a *vested* right as Corporators; that they need not have any title but this supposed *vested right*. The right founded on election, or the admission through form of election, is wholly ignored by the Select Committee, as though the Charter contained no such antecedent election, as a *condition precedent* to a claim to be a Corporator of Trinity Church. The writer, therefore, supplies the omission, by quoting the Charter as follows: "And  
 "We do of our like speciall grace, certaine Knowledge, and meer  
 "motion, give and grant unto the said Rector and inhabitants  
 "of our city of New Yorke in communion, &c., full power and  
 "authority from time to time to appoint, alter, and change  
 "such days and times of meeting as they shall think fitt, and  
 "to choose, nominate and appoint so many others of our Leige  
 "people as they shall think fitt, and shall be willing to accept  
 "the same to be members of the said church and corporation  
 "and body Politicque and them into the same to admitt and to  
 "elect and constitute such other officer and officers as they  
 "shall think fitt and requisite for the orderly manageing and  
 "dispatching of the affairs of the said Church and corporation  
 "and their Successors, and from time to time to make, ordaine  
 "and constitute or repeale such rules, orders and ordinances for  
 "the good and welfare of the members of the said church and  
 "corporation, so that those rules, orders, and ordinances be not  
 "repugnant to the laws of our Realme of England and of this  
 "our province."

Did the Select Committee not observe this provision of the Charter of 1697, for the *election* and *admission* of members of the Corporation? Did the witnesses, in their "evidence," not see these pregnant words? Was the withholding of this clause an accident? In the argument or "evidence" of the witnesses why was this clause ignored?

We answer boldly, because this part of the Charter utterly *dissipates* the *claim* of a *vested* right to be a Corporator. Because it confutes the argument that the Law of 1814 "*divests*" the inhabitants of New York of any right under the Charter of 1697. Because the prerogative to "admit," implies the prerogative to *refuse* admission. Because none other but those persons inhabiting New York, and in commu-

nion, &c., at the date of the Charter, in 1697, were "vested" by the Charter with the rights of Corporators in Trinity Church. Because, finally, all fresh Corporators must (in addition to the qualifications of being citizens and communicants) be "admitted" *by a vote of the Corporation.*

What shall the candid, honest, and true-hearted citizen say in sufficient condemnation of this unworthy attempt to hoodwink the community, and to deceive the members of the Church in the City of New York in 1857, with the fancy that the Charter of 1697 "invests" *them* with franchises, rights, privileges, &c., which the Law of 1814 "deprives them of," "divests them of," "excludes them from," denies them; and which Trinity Church is monopolizing without law and against law!

(4.) But this is not all. The writer proceeds to show a fault in the Report, worse than mere omission of important provisions in the Charter, bearing directly on the question in hand. *The Select Committee* have SUPPRESSED a word in their professed quotation from the Charter! It is a little word. It is only a preposition. But small as it is, that word is in the Charter, and not recited in the Report which pretends to quote from the Charter. And it is a word quite useful, and even necessary for the just interpretation of the Charter itself, where it describes the qualifications of the Corporators of Trinity Church. The Charter says, "Rectors of the said Parish, together with all the inhabitants from time to time inhabiting, and to inhabit." At this point the question arises, What inhabitants are meant? or, in other words, 'inhabitants' of what domicile? And the answer is "the inhabitants of the PARISH," just spoken of. The sense is quite clear in this connection, to wit, "Rectors of said Parish, together with all the inhabitants from time to time inhabiting and to inhabit" said Parish.

Then follow two further qualifications of the Lay Corporators, to wit: They must be, 1st, "in our said City of New York," and 2d, "in communion of our aforesaid Protestant Church of England."

The threefold qualification of Lay Corporators, accordingly, is prescribed in the Charter to be, persons inhabiting the Pa-



rish, in New York, and in communion with the Church of England.

But this interpretation of the Charter, so consonant with other provisions, and so definite in its description of the Corporators, is utterly repugnant to the pretended claims of persons *outside of the PARISH*. It is subversive of the arguments or "evidence" of many of the witnesses whom the Select Committee summoned before them. It is opposed to the whole drift and scope of the Committee's Report.

And how do the Committee meet the difficulty? By boldly SUPPRESSING the preposition "*in*," before the words "*our said City of New York*;" substituting thereby, as the governing word, the verb "to inhabit;" and by reciting this clause, thus mutilated, and so changed in sense as, by a forced construction, to suit their foregone conclusions; and then *reporting this inaccurate clause as the true recital from the Charter, of the qualifications of the Corporators!*

The quotation of the Select Committee reads, persons "inhabiting and to inhabit our said City of New York."\*

The writer feels pitiful, in following the Select Committee, to detect these inaccuracies. But as the task of detecting is a sorry employment, so the duty of exposing the Committee is a sad, but imperative obligation.

All that the writer chooses to trust himself to say, by way of denouncing this false quotation, is, that the absence of that word is a remarkable accident, or a culpable neglect in those persons who have, in this Report, stigmatized the Comptroller of Trinity Church, and who have accused the Corporation of Trinity Church, from the year 1813 till 1857, with a "course" of conduct consistent only "with deliberate and premeditated fraud!" Physician, heal thyself!

The writer has thus endeavored to show what has been omitted and what suppressed in the *second paragraph* of that portion of the Report of the Select Committee, which treats of the history of the Incorporation of Trinity Church.

III. Let us pass on, next, to the *third paragraph* of the same narration. The Report states as follows:

\* Sen. Doc. No. 46, p. 14.



"The act of the Colonial Legislature of 1704, confirms the essential powers of the Corporation by the same title, adding the words 'and their successors.'"

The Report of the Select Committee, in reciting the above act of 1704, conveys the idea that such an act exists, "confirming" and "adding" certain things; and these things are, Rector and inhabitants of the city of New York, and *their successors*. But why did not the Committee state the fact that the act of 1704 is *repealed*? Why attempt to uphold those Episcopalians who do not belong to the Corporation of Trinity Church, in their pretension to be Corporators, by naming the extinct act of 1704? The reason, on the face of the Report is too plain to be hidden. It is evidently because the act of 1704 "confirms the title" The Rector and inhabitants of the City of New York, "and because the said act" adds the words "*and their successors*."

It is curious to detect the littleness of the artifice of all this. *If* the Act of 1704 were in being, then the words in the Corporate title of Trinity Church in that act, to wit, "Rector and inhabitants of the City of New York *and their successors*," would give color to the claim that the *present generation* of "inhabitants of the city of New York, in communion with the Protestant Episcopal Church," are vested with the rights of Corporators of Trinity Church.

A popular notion of "franchises," "rights," "privileges," "vested interests," &c., might thereby be fostered in the minds of "the great body of Episcopalians in the city of New York," who under the delusive belief that they were "excluded," "deprived," "divested," and wronged by Trinity Church, would join in an assault upon Trinity Church, and would unite in procuring a repeal of the Act of the Legislature of 1814. Besides, it is an easy thing to persuade the cupidity of men that they have rights in property. And it is not difficult to rouse them to anger, if you can only inject the fancy that somebody is withholding from them their just rights. For no other reason, that the writer can imagine, do the Select Committee adduce "the Act of 1704," and recite its peculiar title; *omitting*, the while, to state the fact that *no such act has any being and force*.

It becomes necessary, therefore, to supply the neglect of the Select Committee, by citing the clause in the Act of the Legislature of the State of New York, "passed 17th April, 1784," wherein the Act of 1704 was annulled, as contrary to the new order of things brought about by the Revolution, and repugnant to the Constitution of the State.

"In order to remove all doubts which may arise in the minds of any persons, with respect to the continuance, force, and effect of a certain Act of the Legislature of this State while a Colony, . . . passed on the twenty-seventh day of June, one thousand seven hundred and four, entitled, 'An Act for granting sundry privileges and powers to the Rector and inhabitants of the City of New York of the Communion of the Church of England, as by Law established ; Be it therefore further enacted, by the authority aforesaid, that the said Act' (with others enumerated by their respective titles) is *'hereby declared to be fully and absolutely abrogated, abolished, annulled, repealed and made void, as inconsistent with and repugnant to, the Constitution of this State.'*"\*

And notwithstanding the Select Committee adduce this very Act of 1784, in a following paragraph in their Report, yet they avoid noticing the above quoted words (so strong and so thorough that one would suppose they could not fail to attract attention), and the Select Committee venture to allege the abrogated Act of 1704, suggesting its peculiar title, as though that Act of 1704 were still potential ! To state this conduct of the Select Committee is sufficient for all honest readers to condemn it.

IV. The Select Committee conclude their sketch of the history of the incorporation of Trinity Church, in these words : "The Legislature of New York, in 1784, confirmed all the original powers of the Corporation without altering the Corporate name, which, however, in 1788, was altered so as to substitute the 'Protestant Episcopal Church in the State of New York' for the 'Protestant Church of England.' And no further legislative action took effect until the year 1814."†

\* Act of 1784.    † Sen. Doc. No. 46, p. 14.

The writer would further add, that this Act of 1784, with the consent of Trinity Church, enlarged the constituency of the Corporation by admitting pewholders, and all persons occupying sittings, who regularly contributed to the support of *the said Church*: and such others as should, *in said Church*, partake of the Holy Sacrament of the Lord's Supper, statedly, being inhabitants of the City and County of New York, and professing themselves members of the Episcopal Church.

The Act of 1814, declaratory of the former Acts touching the Charter of Trinity Church, so far regulates the constituent members of the Corporation, as to conform with the "General Statute" (under which all the Episcopal Churches in the State of New York are governed), by the provision "That all male persons of full age, who, for the space of one year preceding any election shall have been members of the congregation," &c., shall be entitled to vote at the annual elections, for the Church Wardens and Vestrymen of the said Corporation.\*

The difference in the constituency of the parish by the Act of 1784 and the Act of 1814, consists in substituting "all male persons of full age", for "all persons;" and in requiring voters to have been members of the congregation for the space of one year. These persons, with the regular and stated communicants in the parish, constitute the members of the Corporation of Trinity Church.

V. Following the Select Committee's Report, it becomes proper, at this stage of our discussion, to inquire as briefly as possible into the history, and to state the recorded facts, respecting the Act of the Legislature, entitled "An Act to alter the name of the Corporation of Trinity Church in New York, and for other purposes," "passed January 25, 1814."

The above-named Act was passed on *the petition of the Vestry of Trinity Church*, in their corporate title of "the Rector and inhabitants of the City of New York, in communion of the Protestant Episcopal Church in the State of New York."

The petition of the Vestry shows, 1. That the Corpora-

\* Compare the Act of 1784 with Act of 1814.



tion had been a body corporate by virtue of their Charter of 1697.

2. That the Charter contemplated Trinity Church as the sole and only Parish Church in the City of New York ; and that it continued so to be until the Revolution, and for a number of years afterwards.

3. That the Act of the Legislature in 1784 enlarged the number of Corporators (as noticed already) in the provision for admitting persons holding pews and sittings, &c.

4. That since the passing of said Act of 1784, the pew-holders, and the regular communicants of Trinity Church, and the Chapel, have been admitted to vote at elections.

5. That furthermore, since the year 1784, owing to the rapid growth of the City of New York, the churchmen in the city have formed themselves into *distinct Corporations*, each having its peculiar endowments and place of worship, with Rectors and other officers of their own choice, independent of Trinity Church, and free from all control and interference of Trinity Church.

6. That, to all those Churches, whether formed with or without the concurrence of Trinity Church, she had made liberal donations, at the same time disclaiming any right or disposition to intermeddle with their internal concerns, and denying them any right to vote in the elections, or to regulate the affairs, of Trinity Church.

7. That, nevertheless, a few individuals belonging to such separate Corporations, tendered themselves at the Annual Election of the year 1812, and pretended to claim a right to vote for Church Wardens and Vestrymen of Trinity Church ; that their votes were rejected, and no measures had been taken by the rejected persons to establish the right so claimed.

8. That such attempts cannot fail to produce strife, and to foster pretensions both unreasonable and mischievous.

9. That in view of all these facts, and being especially convinced that, since the formation of many distinct Churches, the corporate name of Trinity Church, to wit, "The Rector and inhabitants," &c., has become inapplicable, and ought to be changed ; that all doubts respecting the persons entitled



to vote for Church Wardens and Vestrymen of Trinity Church, ought to be finally obviated and settled.

10. That, furthermore, the law requiring certain religious corporations to exhibit an inventory of their estates, is attended with trouble and expense, and being once exhibited it would be useless to exhibit it again, unless the Corporation should have acquired further estates.

11. Therefore the petitioners pray that the honorable Legislature "will pass an Act for altering the name of their incorporation; and also to obviate and settle the questions that might arise in consequence of incorporating other Episcopal congregations in the City of New York; and to do away the necessity of such inventory and account being exhibited more than once, unless upon the acquisition of additional property by religious corporations."

Such is a fair and true abstract of the petition of Trinity Church to the Legislature of the State of New York, setting forth the reasons for the same, and containing *all the motives and persuasions which Trinity Church thought fit to urge upon the Legislature to secure the passage of the act of 1814.*

This document was before the Select Committee of the Senate in 1857. And yet that Committee, in their Report, now before us, scarcely allude to this petition of Trinity Church; which, the reader will observe, is dignified in its utterance, clear in its statements, and cogent in its conclusions. But the Select Committee, *blind to this authentic document*, sets forth an entirely different paper—a paper *not addressed to the Legislature, not written until after the Legislature had passed the act of 1814 in both Houses, not emanating from the Corporation of Trinity Church, not even suggested by Trinity Church or its friends*, but (as the paper states on its face) suggested by another party; *a paper, the responsibility for which is assumed by him who signed it—by him only*; and not capable, one would think, of being tortured into an authoritative "pledge," "promise," or "representation," from either its writer or any other person or persons; being entitled "Remarks, &c.," and consisting of arguments, and signed by "Robt. Troup," under date of 6 Sept., 1813, in the city of New York.

This *private paper*, the Select Committee of the Senate have the hardihood to quote, as emanating from the Vestry of Trinity Church, and containing "representations," "promises," and "pledges," which Trinity Church has falsified and violated, and as *setting forth the "inducements" to the Legislature to pass this act of 1814.*\*

And on the conclusions drawn from their own reasoning on these false premises, the Select Committee charge upon the Wardens and the Vestrymen of Trinity Church in 1813-14, and upon the members of the Corporation since that time, dishonesty and meanness, and (if they had dared) "fraud," in procuring the act of 1814 under false pretenses. But let us recite the Select Committee's words; and afterwards the writer will proceed to substantiate his accusations against the Committee's statements, arguments, and conclusions.

"Your Committee do not charge that, in obtaining the "law of 1814 under the representations employed for that "purpose, the Corporation were guilty of deliberate and pre-"meditated fraud, in setting forth inducements which they "never intended to realize. But thus much your Committee "feel bound to say, that *if* there *had* been any such fraudulent "intention to obtain power under that law, in order to defeat "the very ends which it proposed to secure, your Committee "cannot see that it would have been necessary for the Cor-"poration, in that case, to alter in any respect that which *has* "been their *actual course*, in order to carry out such fraudulent "intention with entire success."†

These insinuations are serious charges against honorable men. Emanating from the high station of Senators of New York, these imputations acquire a force to crush those upon whom they fall, unless those intended victims were sustained in the strength of compact integrity. But if the charges be false, no station is high enough to protect the authors of the slander from a rebounding stroke which shall hurl them amongst the ignoble herd of detractors and false accusers of their fellow-citizens.

The gentlemen against whom the accusations of the Select

\* Sen. Doc. No. 46, p. 16, &c.

† Sen. Doc. No. 46, Report of Sel. Com. p. 26.

Committee are aimed, are the Vestry of Trinity Church, and especially the Committee of the Vestry, in 1813, who were appointed to apply to the Legislature. That Committee was composed of Richard Harrison, David M. Clarkson, Thomas Barrow, Robert Troup, Jacob Le Roy, Peter Augustus Jay, and Thomas L. Ogden. These are names of gentlemen whom the breath of slander has never sullied in their lifetime ; and it shall be the writer's pious tribute to their honored memory, to protect those names from slander, now that they are dead.

It has been shown to the reader that the reasons of the Vestry for applying to the Legislature for the act of 1814, were set forth in their "petition ;" and that the Select Committee do not ground their charges against the Vestry on that petition. And furthermore, the "petition" of Trinity Church is the only extant authoritative document from which the Select Committee might derive matter on which to base any charges against the Vestry in the premises.

Accordingly, the Select Committee resort to the pamphlet of Robert Troup, before mentioned ; where we follow on upon the traces of their specious reasoning.

The Select Committee affirm that "as an inducement to the Legislature to pass this act of 1814, Col. Tronp, who appears to have acted throughout as the authorized agent of Trinity Church in procuring its passage, declared before the Council of Revision, 'Judging from the past, it is morally certain,' &c.

Now, in the first place, it is in proof before the Select Committee, that Col. Troup's pamphlet, from which the Select Committee make the quotations, was not written *until after the act of 1814 had passed both Houses of the Legislature.*

We say that the evidence of this fact was *before the Select Committee*, in the testimony of one of the witnesses whom they had summoned.

The Hon. L. Bradish, in his 8th answer, says, "From the journals of the Legislature and the Council of Revision, which I have examined, it appears that the petition of Trinity Church, for the act of 1814, was presented in the Senate of the State on the 17th March, 1813, a bill brought in, which



was passed by that body on the 25th March, 1813, and by the Assembly on the 2d of April, 1813."

In the "11th Answer" of the Hon. L. Bradish, he alludes to and quotes from the same Pamphlet of "Robert Troup," giving its date, of "6th of September, 1813."

Notwithstanding this evidence before the Select Committee they do not scruple to allege an argument, uttered in *September*, as proof of "an inducement to the Legislature" to pass an Act in the months of *March and April preceding!*

According to the logic of the Select Committee, the *inducement* for the Act of the two Houses *began to exist five or six months after the two Houses had passed the Act!*

And, furthermore, the Pamphlet of Judge Troup is itself a confutation of the allegation of the Select Committee, both in the Title and in the first sentence. The title of the Pamphlet is "REMARKS on the Bill, entitled, An Act to alter the name of the Corporation of Trinity Church, and for other purposes." And the *first sentence* of the Pamphlet is this: "*The Bill was popular in both Houses of the Legislature, and it passed by large majorities.*"

If the Select Committee of the Senate did really examine the document from which they quote, sentence after sentence, in their Report, a more glaring and scandalous misstatement could not confound them. And yet the falsehood runs throughout this Report, wherein the Remarks of Judge Troup, uttered after the passage of the Act of 1814, are alleged as *ex post facto* "inducements" to said Act.

In pity and in charity the writer has sought to find an explanation in behalf of the Select Committee.

And the first hypothesis that occurs is this: that the Select Committee *did not write their Report*; it was composed for them, perhaps, by many journeymen hands; and hence the incompatibilities, inconsistencies, and sophistries manifest on its pages. But secondly, The Select Committee have *signed* the Report, and thereby have assumed the responsibility for its statements and its issues. Therefore, the plausible idea occurs, that the Select Committee did not mean to have the reader understand the term "the Legislature," to signify the "two Houses of Senate and Assembly," because



(as the State Constitution then stood) a "Council of Revision" existed to supervise the Acts which had passed both Houses, with qualified power to veto such of said Acts as the majority of the Council disapproved. Therefore, inasmuch as Judge Troup's pamphlet was addressed to "the Council of Revision," and "the Council of Revision" was a *quasi* part of the "Legislature," it may be affirmed that the "Legislature" were "induced" to pass the Act of 1814 through Judge Troup's persuasive reasoning before "the Council of Revision." But this plea for the Special Committee will hardly serve, because the Council of Revision happened (as Hon. L. Bradish testifies in his 8th Answer before the Select Committee) to be "equally divided. No order was made thereon, and the bill became a law by lapse of time, without ever having received the express sanction of the executive department of the Government."\*

Accordingly, it appears that after all, *only the two Houses of the Senate and Assembly* are the "Legislature" who passed upon the Act of 1814, *induced thereto by Judge Troup's pamphlet, which was not then written!*"

But, furthermore, this plea for the Select Committee is confuted out of their own mouths: for the Select Committee say in their Report, that "*Under these inducements*" (referring to a passage by them quoted from Judge Troup's pamphlet *immediately preceding*) "*the bill passed BOTH HOUSES.*"† To casuists more adroit than honest, the writer must leave the Statement of the Select Committee's Report to find a plea to justify or even to extenuate such absurdities and untruths.

The writer calls the reader's notice next to the reasoning of the Select Committee, by which, with a sort of feline stealthiness, they approach their conclusion of a "fraud."

The Statement of the Select Committee now under review, firstly affirms, that "Col. Troup *appears to have acted throughout* as the authorized agent of Trinity Church, in procuring the passage"‡ of the Law of 1814.

This very guarded and qualified statement of Col. Troup's

\* Sen. Doc. 46, p. 95, and L. Bradish's Testimony. † Sen. Doc. No. 46, p. 7.

‡ Sen. Doc. 46, p. 16, 17,

"authorized agency," is soon magnified into an unquestionable "authorized" agency, but so quietly and cunningly as almost to escape observation. In the next reference to Col. Troup's pamphlet, as quoted by the Select Committee, "Col. Troup" disappears, and his place is supplied by a neuter pronoun. "*It was urged*, as 'morally certain,' that the Corporators, '&c.'"\* "The frequent execution of this power," *it was represented* "would break down" the estate of Trinity "Church."† These quotations are cited from Col. Troup's pamphlet.

Then, further on, a page or two in the Select Committee's Report, the "neuter pronoun" is made to give place to the Vestry (while "Col. Troup" is introduced in a parenthesis, as a subordinate). "The increase of population in the City of New York, *it was urged by the Vestry*, through Col. Troup," made it "morally certain" that Trinity would,‡ &c. Again "The new policy of Trinity Corporation has therefore disappointed the *authoritative representation* of Col. Troup."§

Then, in the very next paragraph, "Col. Troup" is dismissed, to appear on the stage no more, and Trinity Church is put in the forefront, as making "*pledges*." "The Evidence," say the Select Committee, "shows that another evil "has arisen out of this failure on the part of *Trinity Church* "to fulfil the *pledges* under which she obtained the law of "1814."||

The reader, who has followed the artful statements of the Report of the Select Committee, will now discern the method by which the Committee has contrived to insinuate the charge of "fraud" on Trinity Church, in procuring the enactment of the law of 1814.

But the writer craves the reader's patience and asks him to restrain his expression of indignation until he further acquaints him with the utter contradiction of the statement that Judge Troup has spoken in his Pamphlet at the suggestion of the Corporation of Trinity Church.

In the *first paragraph* of Judge Troup's Pamphlet, he says, "Two members of that Honorable Body (meaning the

\* Sen. Rep. 46, p. 18.

† Ib. p. 18.

‡ Sen. Doc. 46, p. 20.

§ Sen. Doc. 46, p. 21.

Ib. p. 22.

*Council of Revision*) were pleased to express a desire that the subscriber would furnish *them* with *his reasons* in support of the Bill."

But let us cite the whole paragraph, even at the cost of tautology.

"The Bill was popular in both Houses of the Legislature, and it passed by large majorities. Certain objections were, notwithstanding, reported against it in the Council of Revision; and these remain to be acted upon at the next meeting of the Council. *Two members of that Honorable Body* were pleased to express a desire that the subscriber would furnish *them* with *his reasons* in support of the bill; and *in compliance with this desire*, the following remarks are most respectfully submitted."\*

With this authoritative statement of Judge Troup himself before their eyes, the writer, or any other honest man, finds it impossible to pardon the Select Committee for their attempt to identify "Trinity Church" with "Judge Troup," and to make his private opinions and pious hopes, their "promises" and "pledges."

And the writer therefore publishes it to the Church and to the world that the Select Committee of the Senate of the State of New York in 1857, *passing over the published Petition of the Vestry of Trinity Church, in which Petition and in that only, they authoritatively allege the reasons for the Law of 1814*, have, in their Report, set forth the private reasons of an advocate in the character of pledges authorized by a Corporation: and thereby, without any cause, they have held up the Vestry of Trinity before the Senate as responsible for opinions which they never expressed, and for promises which they never made, and for inducements which they did not suggest, and pledges which they never offered. And this iniquity of the Special Committee is conceived and born in the design to represent the Corporation of Trinity Church as obtaining the Law of 1814 under false pretences, insinuating the odious imputation of "fraud" upon the memories of the dead, and

\* Remarks on Trinity Church Bill before the Council of Revision, by Robert Troup, Esq., one of the Vestrymen of Trinity Church, p. 1.



upon the character of the living gentlemen, who have composed the Vestry of Trinity Church since the year 1813.

VI. The writer furthermore arraigns the Report of the Select Committee before the bar of public opinion in the mercantile world.

The Report, before it attempts the positive charge of a "course" of fraudulent conduct on the Vestry of Trinity Church, prepares the reader for said charge by a financial statement.

Trinity Church, in her Report of 1855 to the Legislature, in answer to their demands, presented an estimate of her estate derived from the value of her lots as appraised by the sworn Assessors of the city of New York, and from the value of the houses belonging to her tenants, as appraised by her own agents.

These agents were carpenters and masons, not Episcopalians, except one of them, nor in any way under the influence of Trinity Church. Furthermore, the Vestry employed a public Consulting Actuary to calculate the value of the Reversions, in order to reach "the present value" of her Estate.

The results of these appraisals and calculations, the Vestry reported to the Legislature in obedience to their requisition. The Special Committee to whom the Report of Trinity Church was referred, have chosen to dispute the accuracy of these Estimates of the property of Trinity Church. In doing so, the Special Committee include Bonds given to Trinity Church by the churches whom Trinity has endowed, notwithstanding these bonds are never enforced. They have also reckoned into the account the interest on these bonds, although the interest is never demanded, nor entered into her accounts. They have ignored the declaration of the Vestry, that "these bonds on the Churches are demanded in order to insure them, perpetually to be used for the sacred purposes to which the Churches are consecrated." But because, in *the event of any attempt to alienate those Churches*, Trinity may demand the repayment of the principal and interest of the bonds, the Select Committee have chosen to reckon them as part of the assets of the Corporation of Trinity.

The Select Committee have included, also, an interest of Trinity Church in St. John's Park ; which the Vestry has

refused to sell, except for an exorbitant price, set upon it in order to discourage the attempt to buy it. In this way the Select Committee has reported the estate of Trinity Church to be "*five times the amount*," which the Report of 1855 estimated the estate. The object of the Select Committee, in this *exaggerated* calculation, was, plainly, to convict the Vestry of Trinity Church of falsehood, in *underrating* their property. Now, the point to which the writer would ask the attention of the honorable mercantile community is this: The calculation of the Select Committee, on page 12 of their Report, in Sen. Doc., No. 46, produces an aggregate sum of—

	\$7,092,544 76
Deduct on account of Leases yet to run as estimated in the <i>Report</i> itself (say the Select Committee),	\$1,222,338 29
Debt (of the Cor- poration of Trinity Church),	648,913 00
	<hr/>
	\$1,871,251 29
	<hr/>
Net total present value,	\$5,221,293 47

The Committee exclaim: "More than five times the net total given in the Report."

The merchant will notice, however, that the sum to "*deduct on account of leases yet to run*" (with seeming but most delusive candor), is "*estimated according to the estimate of Trinity Church in their 'report' of 1855.*"

But *this very estimate in the Report of 1855 is accused of being only one-fifth of the true sum*, in the opinion of the Select Committee.

Notwithstanding, *the Select Committee, in spite of their condemnation*, adopt this very diminished estimate of "*the value of the leases yet to run*," on the low percentage which they themselves condemn. The purpose is patent. It is to *increase, by this means*, the sum total of the estate of Trinity

Church so as to deceive the Senate and the community with the flourish of "more than *five* times the net value given in the Report." It is to prove their false charge by *false figures*.

The writer has taken the trouble to resort to an accountant and consulting actuary to ascertain, approximately, the amount of the false estimate of the Select Committee. And he finds it to reach the sum of \$1,468,116 36, or nearly *one and a half million of dollars!*\*

* The value of the lots, after deducting the estimated value of the buildings, was, by the Report . . . . .	\$2,668,710
The value of the same, as reported by the Senate Committee, is	5,874,023
Increase . . . . .	<u>\$3,205,313</u>

But the above lots are subject to certain leases, expiring at different periods, and consequently the present value of the lots is reduced by calculating the reversion of the above leases, to \$1,446,371 71, and raising the value of the lots, the deduction thus made for running leases must likewise be increased in the same proportion.

Assuming that the advance in the above valuation, by the Senate Committee, had been made by a uniform percentage (which may not be the case), the value of the tenant interest would be raised by the same percentage to \$2,690,454 65.

This result is probably as near to the actual value as can be reached, without going into a new and laborious calculation of each lot, and of each lease, by themselves. The accurate computation of each separate reversion might and would, no doubt, produce a different sum, but it could not be of any importance, and probably not vary over five per cent. one way or the other.

J. F. ENTZ,

*Accountant and Consulting Actuary.*

New York Life Ins. and Trust. Co.

*February 9th, 1857.*

Furthermore: Deducting from the Select Committee's sum total, the items which the Committee seem to be conscious are *wrongfully* introduced by them (in order to swell the difference between the aggregate of their own estimate and the estimate of the Vestry), to wit:—

St. John's Park.....	\$400,000 00	
Church bonds and mortgages, with interest to Jan. 1, 1857.	} 571,952 89	
The <i>exaggerated</i> estimate of the Select Committee, is.....	—————	\$971,952 89
Add the Committee's mistake in their estimate of "the present value," as shown above by the calculations of Mr. Entz.....	}	
Produces an <i>over estimate</i> of the Select Committee, by <i>their own showing</i> , of a total of.....	}	<u>\$1,468,116 36</u>
		<u>\$2,440,079 25</u>



Surely, this is an unfortunate exposure of the Select Committee of the Honorable Senate of the State of New York, who are miserably striving to convict Trinity Church of financial errors ! Again we apply to this Select Committee this sacred proverb, in all seriousness, “ physician, heal thyself ! ”

There is but one more point to which the writer would call attention. It touches the witnesses “ whom the Select Committee relied on in framing their Report to the question, ‘ How many *free Churches* are there in New York ? ’ ” *Not one of the witnesses mentioned TRINITY CHURCH, THE NOBLEST FREE CHURCH OF ALL.*

In view of the examination which the writer has been at pains to undertake, he would conclude with a sigh at the evidence, which the Report of the Select Committee unfolds, of the infirmity of sinful men, in their attempts to deceive themselves. But there is another feeling, also clamoring to be heard and expanded. It is the feeling of indignation against the Select Committee and their advisers ; it is the sentiment of generous sympathy with Trinity Church ; it is the uprising of outraged humanity, aroused to the conviction that its credulity has been abused, and its confidence in Senators impaired, and its trust in brethren betrayed.

While, therefore, the writer (with the Select Committee) condemns the former policy (now revoked) of the Vestry of Trinity Church (as evinced in the leases of pews in Trinity Chapel), in the attempt to prevent the enlargement of her constituent corporators—while he advises the widest admission of all, who are duly qualified, into the Corporation ; and while he would cultivate and cherish intimate relationships of brotherhood with all fellow-churchmen : he would, at the same time, repel the brethren of other corporations from intermeddling with the corporate elections of Trinity Church, earnestly advocating the stability of the law, and pleading with the Legislature of New York to listen to no such representations as are set forth in the Report of the Select Committee. Let it be by public justice ordained, that *the Law of 1814 shall stand* ; for the honor of the State ; for the peace of the Church ; for the good of posterity ; and to the confusion of misguided zealots and covetous men.

The writer would now draw together the threads of his examination and exposure of the Select Committee's Report, by recapitulation. He indicts and denounces the Report of the Select Committee, as false and deluding, on these several counts :

1. It states only that "the site" of Trinity Church at the head of Wall street, is a vested and consecrated property, *omitting* to include the grave-yard and cemetery adjoining.

2. It *omits* to recite certain clauses of the Charter of 1697, necessary to the question touching the "admission" of Corporators into the Corporation of Trinity Church.

3. It *suppresses* an important word in the clause of the Charter of 1697, which it professes to quote *verbatim*.

4. It reasons inconclusively from its *falsified premises*.

5. It has adduced an act of the Colonial Legislature, as being potential, which is abrogated and annulled as unconstitutional.

6. It has appealed to prejudices and to covetousness, holding forth expectations to the inhabitants of New York, which have no good foundation.

7. It has neglected to state the true grounds on which Trinity Church applied for the Law of 1814.

8. It has substituted the arguments of an advocate, in the place of the reasons of the Corporation.

9. It has held up these arguments, so substituted, as inducements to the two Houses of the Legislature to pass the Law of 1814.

10. It has alleged those arguments as "inducements" to the said law, though the law was passed by the two Houses of the Legislature, months before the arguments were penned and published.

11. It has, on these fallacious representations, insinuated the odious charge of fraudulent conduct in the Vestries of Trinity Church, since 1813.

12. It has falsified figures in its own representation of the Estate of Trinity Church, by its method of estimating the "present value" of said estate.

13. It has committed all these wrongs on Trinity Church, on the Honorable Senate, on the Community, on Justice, Truth, and Honor—knowingly, and wilfully, and shamefully.

I have the duty of subscribing myself,

A MEMBER OF THE PROTESTANT EPISCOPAL CHURCH.







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